

Part C State Performance Plan (SPP) for 2005-2010

Overview of the State Performance Plan Development: See Overview of Kentucky's State Performance Plan Development Process document.

(The following items are to be completed for each monitoring priority/indicator.)

Monitoring Priority: **EFFECTIVE GENERAL SUPERVISION PART C / GENERAL SUPERVISION**

Indicator 13 – Percent of mediations held that resulted in mediation agreements. (20U.S.C. 1416(a)(3)(B) and 1442)

Measurement: Percent = $(2.1(a)(i) + 2.1(b)(i))$ divided by (2.1) times 100.

Overview of Issue/Description of System or Process:

The mediation measurement system for Kentucky includes:

1. Policies and procedures to guide mediation measurement practices
2. Provision of training and technical assistance supports to administrators and service providers in mediation data collection, reporting, and use
3. Quality assurance and monitoring procedures to ensure the accuracy of the mediation data
4. Data system elements for mediation data input and maintenance, and mediation data analysis functions

Each of these is described below:

Each new family is given the "Family Rights Handbook" upon entry into the program. This handbook is intended to outline their rights and addresses the various ways that a family can file a complaint, mediation, or due process. A parent or provider may file a request for mediation on any matter relating to services that were not given to families or children in the First Steps Program. The alleged violation must have occurred not more than three (3) years before the person filing the request knew or should have known about the alleged violation. This 3-year timeline will not apply if the parent was prevented from filing the request due to:

- Specific misrepresentations by the First Steps Program that the problem had been resolved; or
- First Steps withheld information from the parent that was required by IDEA to be provided.

1. Policies and procedures to guide mediation measurement practices

The mediation process is outlined in State Regulation 911 KAR 2:180 Section 1 and also corresponds with federal requirements outlined in 34 CFR §300.506. In addition, the Program Evaluation Section XI as well as the Family Rights Handbook outline the procedures for mediations. This Handbook outlines their rights and describes the various ways that a family can file a complaint, mediation or due process. Then at each IFSP meeting, the family is again given a summary of those rights which includes how to file a complaint, mediation or due process.

Mediation is voluntary and freely agreed to by both parties, and shall not preclude the opportunity for a due process hearing to be conducted at any time. The time table for the mediation process shall be:

- Within five (5) working days after a request for mediation is made to the cabinet, the appointment of a mediator shall be made.
- Either party may waive the mediation and if waived the parents shall be informed by the cabinet within two (2) working days of this decision.
- Mediation shall be completed within thirty (30) working days of the receipt by the cabinet of the request for mediation.
- At any time during the mediation process, a request for a due process hearing may be initiated.
- Mediation resolutions may not conflict with state or federal laws and shall be to the satisfaction of both parties; satisfaction shall be indicated by the signature of both parties on the written resolution.
- A copy of the written resolution shall be mailed by the mediator to each party within five (5) working days following the mediation conference. A copy shall also be filed by the mediator with the cabinet. Seven (7) Mediators are trained in First Steps policies and procedures. (23 Ky.R. 3149; eff. 6-16-97)

2. Provision of training and technical assistance supports to administrators and service providers in mediation data collection, reporting, and use

The Point of Entry (POE) provides the Statement of Assurances and the Family Rights Handbook to families upon entrance into the First Steps system. In addition, these are also reviewed at each IFSP meeting. The Family Orientation training that is in the process of completion by the Program Parent Consultants will also detail procedures of how to obtain a Mediation.

3. Quality assurance and monitoring procedures to ensure the accuracy of the mediation data

Kentucky has had no Due Process Hearings during this reporting year. If Kentucky were to have a mediation filed, the findings from that hearing will be shared with the state and local staff. These findings will be used as appropriate in training materials and policy language.

4. Data system elements for mediation data input and maintenance, and mediation data analysis functions

In the event that a mediation occurs it will be added into a spreadsheet and maintained by the Quality Assurance Administrator.

Baseline Data for FFY 2004 (2004-2005): There were no mediation agreements conducted during this reporting period.

Discussion of Baseline Data: There were no mediation agreements conducted during this reporting period.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	100% of mediation agreements will be fully conducted within the applicable timeline.
2006 (2006-2007)	100% of mediation agreements will be fully conducted within the applicable timeline.
2007 (2007-2008)	100% of mediation agreements will be fully conducted within the applicable timeline.
2008 (2008-2009)	100% of mediation agreements will be fully conducted within the applicable timeline.
2009 (2009-2010)	100% of mediation agreements will be fully conducted within the applicable timeline. 100% of mediation agreements will be fully conducted within the applicable timeline.
2010 (2010-2011)	100% of mediation agreements will be fully conducted within the applicable timeline.

Improvement Activities/Timelines/Resources:

IMPROVEMENT ACTIVITY	TIMELINE	RESOURCES
1. Review policies and procedures for requesting mediation with Technical Assistance Teams.	June 2006	Quality Assurance Administrator, State Training Coordinator
2. Monitor Family Orientation Trainings to ensure procedures are explained to families regarding mediation agreements.	June 2006	State Training Coordinator